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Attorneys for Defendant Wells Fargo Bank, N.A.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BANCO DEL AUSTRO, S.A.	:	
	:	
Plaintiff,	:	Case No. 1:16-cv-00628 (LAK)
	:	
v.	:	
	:	DEFENDANT WELLS
WELLS FARGO BANK, N.A.	:	FARGO BANK, N.A.'S
	:	NOTICE OF MOTION TO
Defendant.	:	DISMISS PURSUANT TO
	:	FED. R. CIV. P. 12(B)(6)
-----	X	

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law and upon all the pleadings and proceedings had herein, Defendant Wells Fargo Bank, N.A. ("Wells Fargo"), in lieu of filing an Answer to Plaintiff's Complaint, will move the Court before the Honorable Lewis A. Kaplan at the United States District Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York, 10007 at a date and time to be determined by the Court, for an Order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing the Complaint with prejudice on the ground that it fails to state a claim upon which relief can be granted, and for such other, further, or different relief as the Court deems just and proper. Wells Fargo respectfully requests that oral argument be held regarding this Motion.

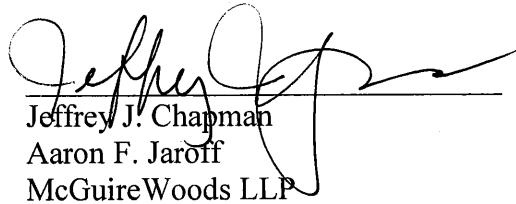
PLEASE TAKE FURTHER NOTICE that pursuant to the Court's Individual Rules of Practice and the Local Rules of the United States District Courts for the Southern and Eastern

Districts of New York, Plaintiff's opposition papers, if any, are to be filed by March 3, 2016, and Wells Fargo's reply papers, if any, are to be filed by March 10, 2016.

Dated: New York, New York
February 18, 2016

Respectfully submitted,

By:



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